

Serkin, J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

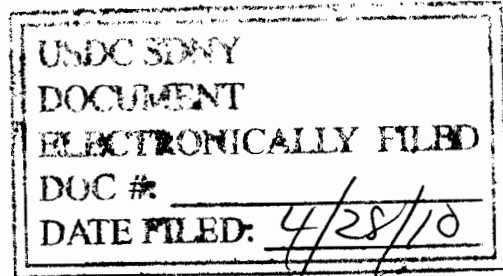
GUCCI AMERICA INC.,

Plaintiff,

vs.

GUESS?, INC., MARC FISHER FOOTWEAR
LLC, THE MAX LEATHER GROUP/
CIPRIANI ACCESSORIES, INC., SEQUEL
AG, K&M ASSOCIATES L.P., VIVA
OPTIQUE, INC., SIGNAL PRODUCTS, INC.,
and SWANK, INC.,

Defendants.



**ORDER
GRANTING MARC FISHER LLC
LEAVE TO AMEND MARC
FISHER LLC'S ANSWER TO THE
FIRST AMENDED COMPLAINT**

Civil Action No. 09cv4373 (SAS)

WHEREAS, a pre-motion conference was held before this Court on April 26, 2010 wherein Marc Fisher LLC requested leave to amend its Answer to the First Amended Complaint to interpose a counterclaim for cancellation of Gucci America Inc.'s U.S. Trademark Registration No. 1,483,526, for a green-red-green stripe, for footwear; and

GA ~~**WHEREAS**, Marc Fisher LLC has demonstrated that it has a good-faith basis to interpose the counterclaim based on recently-acquired evidence through discovery; and~~

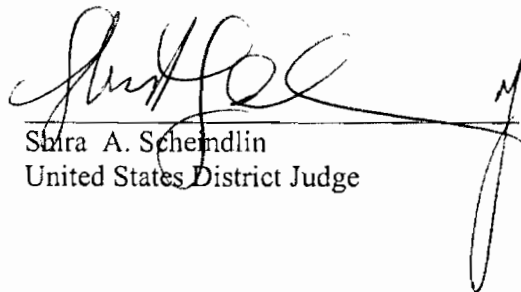
GA ~~**WHEREAS**, Gucci America Inc. will not incur any undue burden by the addition of Marc Fisher LLC's counterclaim.~~

NOW, THEREFORE, IT IS HEREBY ORDERED, that Marc Fisher LLC is granted leave to amend its Answer to the First Amended Complaint to interpose a counterclaim for cancellation of U.S. Trademark Registration No. 1,483,526; and

IT IS FURTHER ORDERED, that Gucci America, Inc. shall have 21 days from the date of service of Marc Fisher LLC's amended pleading to serve and file its reply.

SO ORDERED:

April 28, 2010
New York, NY


Shira A. Scheindlin
United States District Judge